



## President's Report – August 2016

The Architectural Control Committee (ACC) provides a vital service to the people of Martin's Point. We owe them a debt of gratitude for the tremendous dedication, time and effort they put into reviewing the large number of plans submitted each year by Martin's Point property owners.

The Martin's Point Declaration of Covenants provided for the establishment of the ACC in order to preserve property values and *"maintain certain standards as to harmony of external design and location in relating to surrounding structures and/or topography"*. Like board members, members of the ACC must act as their HOA members' representatives regardless of their personal beliefs. As representatives of the HOA, all members of the board of directors and the ACC have to put the collective interests of the associations' homeowners first.

Property owners are required to submit plans to the ACC prior to any lot disturbance, including new construction and any alterations, improvements, or additions to existing homes or property. The ACC reviews these plans using the powers granted by these same Covenants, to determine if they comply with the Covenants and all ACC Guidelines.

These Guidelines are not fixed. From time to time the ACC proposes changes to the Guidelines based on changing conditions, their experiences and opinions. All proposed ACC Guidelines changes must be reviewed and voted on by the Board of Directors before they are adopted. The following summarizes the major ACC Guidelines changes approved by a majority vote of the board during our July meeting.

**Storm Water Drainage:** Plans for clearing or filling a lot, tree removal, driveway changes, etc., must still be submitted to the ACC for approval. However, such plans are no longer required to include provisions for the disposition of storm water generated onsite. Additionally, plans are no longer required to show the offsite areas that could be impacted by the storm water runoff exiting the property. Finally, the property owner no longer has to ensure that storm water runoff does not damage adjacent properties during construction. With these changes storm water drainage issues will no longer be subject to ACC Guidelines. However, Dare County zoning regulations and CAMA restrictions regarding wetlands, still apply.

The ACC believes that having specific guidelines on storm water, might subject the Association to enforcement responsibilities and liabilities where none existed before (they were written into the Guidelines years ago). To further support this change the ACC can use the required site plans, tree cutting and fill material plans, along with site visits, to analyze potential storm water issues and make suggestions, instead of requiring the submission of a storm water plan.

**Tree Cutting:** Guidelines pertaining to tree cutting are now more specific and more consistent with ACC rulings over the past several years. While there is less emphasis on tree preservation other than hardwoods, *"the cutting down of any trees (living, dead, diseased or dying) with a trunk diameter of 4" or greater (as measured at a height of 6 feet) continues require prior written approval by the ACC as required by our Covenants. Note that this requirement applies in all cases of tree cutting, not just new construction.*

A list of conditions under which tree removal is acceptable has been added to the Guidelines. Several of these tree removal conditions (and a few others) now also apply to vacant lots with no approved house plans. A new provision has been added *"to remediate tree removal, the Architectural Control Committee, at its discretion, may impose landscaping requirements and/or tree replacement on any approval which it issues; for stabilization, erosion control, and to give the appearance of more mature growth on the property."*



## President's Report – August 2016 (page 2 of 2)

The ACC believes these changes: provide specific guidelines on which owners can plan their development and on which ACC members can base their decisions; they reflect the desire of owners to remove trees which are a threat to their property, to have and maintain water views for which they paid a premium, to use the rear of their property for recreational purposes and to replace trees with those which they deem more desirable; protect certain trees, prevents clear cutting on vacant lots and deep lots, and it enables the ACC to require landscaping and/or tree replacement as a condition for certain approvals.

**Landscaping:** A Landscaping Plan continues to be required for new construction. Landscaping requirements are now subject to the ACC's discretion. Landscaping plans are no longer required to: include plans for re-vegetation and re-stabilization of the property to prevent erosion and excessive storm water runoff; seek to blend with the home and its setting and, introduce grasses, trees, shrubbery, and plants to create a sense of maturity to the landscape scene.

The following new language was added: The ACC may impose landscaping requirements and/or tree replacement on any approval which it issues involving tree removal; for stabilization, erosion control, and to give the appearance of more mature growth on the property. The ACC's justification for these changes is based on our attorney's statement that the ACC doesn't have the right to impose a landscaping requirement on every property since none exists in the Covenants

The complete set of ACC Guidelines can be found on our website: <http://martinspointowners.com> under Community Governance, Architectural Control Committee, (click at the bottom of the page) Construction Guidelines.

As with any issues affecting the property owners of Martin's Point, should you have any questions or comments please do not hesitate to contact me or any members of the Board. The Martin's Point website can be used to send a group email to all board members. Go to <http://martinspointowners.com>, click on Resident Login and enter your account number and password; then click on Web Forms and click on Email to BoD.

A handwritten signature in black ink, appearing to be the name "Aug", is located at the bottom right of the page. The signature is written in a cursive, flowing style.